

Am



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,989	06/30/2000	Tinku Acharya	042390.P8762	1436

7590

09/07/2004

Howard A Skaist  
Blakely Sokoloff Taylor & Zafman LLP  
12400 Wilshire Boulevard Seventh Floor  
Los Angeles, CA 90025

EXAMINER
----------

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/608,989

Applicant(s)

ACHARYA ET AL.

Examiner

Andy S. Rao

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

Art Unit: 2613

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/2004 has been entered.
2. Applicant's arguments with respect to claims 1-6, 8-13, 15-20 as filed on 7/19/2004 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of previously used references, said newly cited portions addressing the newly added limitations.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 rejected under 35 U.S.C. 102(b) as being anticipated by Dachiku et al., (hereinafter referred to as "Dachiku").

Dachiku discloses a method of video coding the movement of a face from a sequence of images, comprising: selecting a limited number of feature points from an image of the face (Dachiku: column 10, lines 59-64) where minimal or no local motion is

Art Unit: 2613

observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12) to be video coded (Dachiku: column 11, lines 40-45); estimating spatio-temporal rates of change in the intensity at the selected feature points (Dachiku: column 10, lines 30-40) using at least two images from the sequence (Dachiku: column 9, lines 45-55); estimating translation and rotation of the face using the feature points and using the estimated spatio-temporal rates (Dachiku: column 20, lines 15-25); and coding the estimating translation and rotation (Dachiku: column 11, lines 20-30), as in claim 1.

Regarding claim 2, Dachiku discloses using triangular patches (Dachiku: column 10, lines 15-25), as in the claim.

Regarding claim 3, Dachiku discloses selecting a feature point from each triangular patch (Dachiku: column 10, lines 45-50), as in the claim.

Regarding claim 4, Dachiku discloses estimating using a least mean square's estimation method (Dachiku: column 13, lines 40-50), as in the claim.

Dachiku discloses a method of video coding the movement of a face from a sequence of images, comprising: coding the head (Dachiku: column 10, lines 60-65) from at least one of the images based (Dachiku: column 11, lines 40-45), at least in part, on a limited number of selected features points (Dachiku: column 10, lines 45-50) from an image of the head (Dachiku: column 10, lines 59-64) where minimal or no local motion is observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12), employing a three dimensional based coding technique to produce a three dimensional (3D) model (Dachiku: column (Dachiku: column 11, lines 40-45); and estimating the movement of the head in the other images of the sequence using the 3D model of the head, wherein the movement of the head is an estimated as translation and rotations based

Art Unit: 2613

on at least in part of estimates of spatio-temporal rates of change in intensity at the selected feature points (Dachiku: column 10, lines 10-15) as in claim 5.

Regarding claim 6, Dachiku discloses treating the 3D model as a rigid body (Dachiku: column 11, lines 1-7), as in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachiku et al., (hereinafter referred to as "Dachiku") in view of Kang.

Dachiku discloses a system of video coding the movement of a face from a sequence of images, by: selecting a limited number of feature points from an image of the face (Dachiku: column 10, lines 59-64) where minimal or no local motion is observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12) to be video coded (Dachiku: column 11, lines 40-45); estimating spatio-temporal rates of change in the intensity at the selected feature points (Dachiku: column 10, lines 30-40) using at least two images from the sequence (Dachiku: column 9, lines 45-55); estimating translation and rotation of the face using the feature points and using the estimated spatio-temporal rates (Dachiku: column 20, lines 15-25); and coding the estimating translation and rotation (Dachiku: column 11, lines 20-30), as in claim 8. However, Dachiku fails to disclose an imager and computing platform being coupled to communicate

Art Unit: 2613

electronically, wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded, as in claim 8. Kang discloses an imager (Kang: column 3, lines 20-40) and computing platform being coupled to communicate electronically (Kang: column 3, lines 45-60), wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded (Kang: column 4, lines 60-67) with the added advantage of a hands-free navigation system (Kang: column 3, lines 29-31). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in art to modify Dachiku's system by implementing it on the imager and computing platform of Kang in order to achieve a hands-free navigational capacity. The Dachiku system, now implemented on the imager and computing platform of Kang has all of the features of claim 8.

Regarding claim 9, the Dachiku system, now implemented on the imager and computing platform of Kang discloses using triangular patches (Dachiku: column 10, lines 15-25), as in the claim.

Regarding claim 10, the Dachiku system, now implemented on the imager and computing platform of Kang discloses selecting a feature point from each triangular patch (Dachiku: column 10, lines 45-50), as in the claim.

Regarding claim 11, the Dachiku system, now implemented on the imager and computing platform of Kang discloses estimating using a least mean square's estimation method (Dachiku: column 13, lines 40-50), as in the claim.

Dachiku discloses a system of video coding the movement of a face from a sequence of images, comprising: coding the head (Dachiku: column 10, lines 60-65) from at least one of the images based (Dachiku: column 11, lines 40-45), at least in part, on a

Art Unit: 2613

limited number of selected features points (Dachiku: column 10, lines 45-50) from an image of the head (Dachiku: column 10, lines 59-64) where minimal or no local motion is observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12), employing a three dimensional based coding technique to produce a three dimensional (3D) model (Dachiku: column (Dachiku: column 11, lines 40-45); and estimating the movement of the head in the other images of the sequence using the 3D model of the head, wherein the movement of the head is an estimated as translation and rotations based on at least in part of estimates of spatio-temporal rates of change in intensity at the selected feature points (Dachiku: column 10, lines 10-15) as in claim 12. However, Dachiku fails to disclose an imager and computing platform being coupled to communicate electronically, wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded, as in claim 12. Kang discloses an imager (Kang: column 3, lines 20-40) and computing platform being coupled to communicate electronically (Kang: column 3, lines 45-60), wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded (Kang: column 4, lines 60-67) with the added advantage of a hands-free navigation system (Kang: column 3, lines 29-31). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in art to modify Dachiku's system by implementing it on the imager and computing platform of Kang in order to achieve a hands-free navigational capacity. The Dachiku system, now implemented on the imager and computing platform of Kang has all of the features of claim 12.

Art Unit: 2613

Regarding claim 13, the Dachiku system, now implemented on the imager and computing platform of Kang discloses treating the 3D model as a rigid body (Dachiku: column 11, lines 1-7), as in the claim.

7. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachiku et al., (hereinafter referred to as “Dachiku”) in view of Kang and further in view of Szeliski et al., (hereinafter referred to as “Szeliski”).

Dachiku discloses a system of video coding the movement of a face from a sequence of images, by: selecting a limited number of feature points from an image of the face (Dachiku: column 10, lines 59-64) where minimal or no local motion is observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12), is to be video coded (Dachiku: column 11, lines 40-45); estimating spatio-temporal rates of change in the intensity at the selected feature points (Dachiku: column 10, lines 30-40) using at least two images from the sequence (Dachiku: column 9, lines 45-55); estimating translation and rotation of the face using the feature points and using the estimated spatio-temporal rates (Dachiku: column 20, lines 15-25); and coding the estimating translation and rotation (Dachiku: column 11, lines 20-30), as in claim 15. However, Dachiku fails to disclose an imager and computing platform being coupled to communicate electronically, and an article comprising a storage medium having stored instructions thereon, which when executed by the computing platform result in the movement of a face from a sequence of images being coded, as in claim 15. Kang discloses an imager (Kang: column 3, lines 20-40) and computing platform being coupled to communicate electronically (Kang: column 3, lines 45-60), wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded



Art Unit: 2613

(Kang: column 4, lines 60-67) with the added advantage of a hands-free navigation system (Kang: column 3, lines 29-31). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in art to modify Dachiku's system by implementing it on the imager and computing platform of Kang in order to achieve a hands-free navigational capacity. The Dachiku system, now implemented on the imager and computing platform of Kang has a majority of the features of claim 15. However, the Dachiku-Kang combination fails to address having an article comprising a storage medium having stored instructions thereon, which when executed by the computing platform result in the movement of a face from a sequence of images being coded. Szeliski discloses an article comprising a storage medium having stored instructions thereon (Szeliski: column 8, lines 25-35), which when executed by the computing platform result in the movement of a face from a sequence of images being coded in order to efficiently produce parameter motion models (Szeliski: column 10, lines 25-65). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in the art to further incorporate the Szeliski article comprising a storage medium having stored instructions thereon with the Dachiku-Kang combination in order to efficiently produce parameter motion models for the Dachiku system (Dachiku: column 20, lines 15-25). The Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having stored instructions thereon, has all of the features of claim 15.

Regarding claim 16, the Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having

Art Unit: 2613

stored instructions thereon, discloses using triangular patches (Dachiku: column 10, lines 15-25), as in the claim.

Regarding claim 17, the Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having stored instructions thereon, discloses selecting a feature point from each triangular patch (Dachiku: column 10, lines 45-50), as in the claim.

Regarding claim 18, the Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having stored instructions thereon, discloses estimating using a least mean square's estimation method (Dachiku: column 13, lines 40-50), as in the claim.

8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachiku et al., (hereinafter referred to as "Dachiku") in view of Kang and further in view of Szeliski et al., (hereinafter referred to as "Szeliski").

Dachiku discloses a system of video coding the movement of a face from a sequence of images, comprising: coding the head (Dachiku: column 10, lines 60-65) from at least one of the images based (Dachiku: column 11, lines 40-45), at least in part, on a limited number of selected features points (Dachiku: column 10, lines 45-50) from an image of the head (Dachiku: column 10, lines 59-64) where minimal or no local motion is observed (Dachiku: column 9, lines 55-60; column 11, lines 20-30; figures 5 and 12), employing a three dimensional based coding technique to produce a three dimensional (3D) model (Dachiku: column (Dachiku: column 11, lines 40-45); and estimating the movement of the head in the other images of the sequence using the 3D model of the head, wherein the movement of the head is an estimated as translation and rotations based

Art Unit: 2613

on at least in part of estimates of spatio-temporal rates of change in intensity at the selected feature points (Dachiku: column 10, lines 10-15) as in claim 19. However, Dachiku fails to disclose an imager and computing platform being coupled to communicate electronically, and an article comprising a storage medium having stored instructions thereon, which when executed by the computing platform result in the movement of a face from a sequence of images being coded, in claim 19. Kang discloses an imager (Kang: column 3, lines 20-40) and computing platform being coupled to communicate electronically (Kang: column 3, lines 45-60), wherein said computing platform being adapted so that, in operation, the movement of a face from a sequence of images is coded (Kang: column 4, lines 60-67) with the added advantage of a hands-free navigation system (Kang: column 3, lines 29-31). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in art to modify Dachiku's system by implementing it on the imager and computing platform of Kang in order to achieve a hands-free navigational capacity. The Dachiku system, now implemented on the imager and computing platform of Kang has a majority of the features of claim 19. However, the Dachiku-Kang combination fails to address having an article comprising a storage medium having stored instructions thereon, which when executed by the computing platform result in the movement of a face from a sequence of images being coded. Szeliski discloses an article comprising a storage medium having stored instructions thereon (Szeliski: column 8, lines 25-35), which when executed by the computing platform result in the movement of a face from a sequence of images being coded in order to efficiently produce parameter motion models (Szeliski: column 10, lines 25-65). Accordingly, given this teaching, it would have been obvious for one of ordinary skill in

Art Unit: 2613

the art to further incorporate the Szeliski article comprising a storage medium having stored instructions thereon with the Dachiku-Kang combination in order to efficiently produce parameter motion models for the Dachiku system (Dachiku: column 20, lines 15-25). The Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having stored instructions thereon, has all of the features of claim 19.

Regarding claim 20, the Dachiku system, now implemented on the imager and computing platform of Kang and the Szeliski article comprising a storage medium having stored instructions thereon discloses treating the 3D model as a rigid body (Dachiku: column 11, lines 1-7), as in the claim.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER

asr  
September 2, 2004